

***Superseded 5/12/2015***

**76-6-111 Wanton destruction of livestock -- Penalties -- Seizure and disposition of property.**

- (1) As used in this section:
  - (a) "Law enforcement officer" is as defined in Section 53-13-103.
  - (b) "Livestock" means a domestic animal or fur bearer raised or kept for profit, including:
    - (i) cattle;
    - (ii) sheep;
    - (iii) goats;
    - (iv) swine;
    - (v) horses;
    - (vi) mules;
    - (vii) poultry; and
    - (viii) domesticated elk as defined in Section 4-39-102.
- (2) Unless authorized by Section 4-25-4, 4-25-5, 4-25-14, 4-39-401, or 18-1-3, a person is guilty of wanton destruction of livestock if that person:
  - (a) injures, physically alters, releases, or causes the death of livestock; and
  - (b) does so:
    - (i) intentionally or knowingly; and
    - (ii) without the permission of the owner of the livestock.
- (3) Wanton destruction of livestock is punishable as a:
  - (a) class B misdemeanor if the aggregate value of the livestock is \$500 or less;
  - (b) class A misdemeanor if the aggregate value of the livestock is more than \$500, but does not exceed \$1,500;
  - (c) third degree felony if the aggregate value of the livestock is more than \$1,500, but does not exceed \$5,000; and
  - (d) second degree felony if the aggregate value of the livestock is more than \$5,000.
- (4) A material, device, or vehicle used in violation of Subsection (2) is subject to forfeiture under the procedures and substantive protections established in Title 24, Chapter 1, Utah Uniform Forfeiture Procedures Act.
- (5) A peace officer may seize a material, device, or vehicle used in violation of Subsection (2):
  - (a) upon notice and service of process issued by a court having jurisdiction over the property; or
  - (b) without notice and service of process if:
    - (i) the seizure is incident to an arrest under:
      - (A) a search warrant; or
      - (B) an inspection under an administrative inspection warrant;
    - (ii) the material, device, or vehicle has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or
    - (iii) the peace officer has probable cause to believe that the property has been used in violation of Subsection (2).
- (6)
  - (a) A material, device, or vehicle seized under this section is not repleviable but is in custody of the law enforcement agency making the seizure, subject only to the orders and decrees of a court or official having jurisdiction.
  - (b) A peace officer who seizes a material, device, or vehicle under this section may:
    - (i) place the property under seal;
    - (ii) remove the property to a place designated by the warrant under which it was seized; or
    - (iii) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

